

City of Milwaukee
Department of Administration – Business Operations Division – Procurement Services Section

**INVITATION TO BID #13784
FOR
VC Traffic Marking Paint**

PLEASE COMPLETE



Vendor Company Name:	Purchasing Agent:	Tykesha J. White
	Phone:	414-286-2394
Address:	E-Mail:	tywhit@milwaukee.gov
	Bid Closing Date:	Wednesday, April 1, 2015
	Bid Closing Time:	4:30 P.M. CST

Ship to Address: City of Milwaukee Water and DPW Field Headquarters 3850 North 35 th Street Milwaukee, WI 53216	Bill to Address: Water Works – 641 Admin Municipal Building, Room 409 841 North Broadway Milwaukee, WI 53202
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IMPORTANT: Bids must be submitted in accordance with the “Bid Submittal” section of this solicitation. The email address for submitting bids is **procurement.services@milwaukee.gov**. Bids submitted via email directly to the Purchasing Agent will be rejected.

Bid Information

Vendor Contract for traffic marking paint, used for marking street pavement and identifying underground utilities, for a three (3) year period anticipated to commence May 24, 2015 – May 23, 2018.

The items listed below are representative of those that may be ordered and their prices will be used for evaluation and award purposes. Items purchased may not be limited to this listing. Orders will be placed for quantities as needed.

Paint must be in an inverted 20 ounce can and meet American Public Works Association contractor grade.

No fluorescent colors accepted.

Item #	Item	Estimated Annual Usage	Unit Price Bid	We Bid Mfg. & Part #
1	Red Paint – Seymour #20-671 or equal	600 cans		
2	Blue Paint – Seymour #20-653 or equal	2,000 cans		
3	Orange Paint – Seymour #20-657 or equal	600 cans		
4	Green Paint – Seymour #20-668 or equal	1,200 cans		
5	White Paint – Seymour #20-652 or equal	1,800 cans		

If quoting an item to be considered "equal" to the items listed above, bidders are to include descriptive literature with their bid submission and provide samples within three (3) days of being requested. Substitutes will be evaluated and approved or rejected by DPW-Infrastructure personnel prior to award.

Award Statement

Award will be made in total to the lowest responsive and responsible bidder complying with the bid specifications and delivery requirements. Bidders must quote all items to be eligible for an award.

The low bidder shall be determined by multiplying the quoted unit price by the estimated annual usage to obtain the grand total.

If a Local Business Enterprise (LBE) is a responsive and responsible bidder, the LBE shall be awarded the contract provided its bid does not exceed the lowest bid by more than 5% and the difference does not exceed \$25,000.

Tie Bids

The Procurement Services Section may determine the award of a tie bid using a method of chance. Tie bids are defined as all things being equal, such as price, quality, services, etc.

Delivery Requirements

Delivery is required as follows:

- No later than 10 calendar days after receipt of order.

Will you comply with these requirements?

☐ Yes ☐ No

If you cannot meet the above delivery requirement, your bid will be considered non-responsive!

All goods must be delivered FOB destination.

Fuel and/or shipping surcharges are not allowed and will not be paid by the City of Milwaukee. If there is a freight increase prior to delivery of the product, the additional increase must be at the expense of the bidder/contractor.

Contact Person(s)

Any questions, clarifications, etc. must be directed ***in writing*** to the purchasing agent listed on the first page of this bid at least five working days prior to the bid closing date. Requests received after that time will not be considered.

Bidders are specifically directed not to contact any City of Milwaukee staff other than the Purchasing Agent for meetings, conferences, or technical discussions related to this bid. Unauthorized contact of any City Department employee is a cause for rejection of the bid. Any additional information or clarifications provided to one bidder will be provided to all bidders in the form of an addendum posted to the City's web site (bids pending page).

Contact person for order placement:

Name: _____ Phone: _____
 E-Mail: _____ Fax: _____

Contact person for signature of contract:

Name: _____ Phone: _____
 E-Mail: _____ Fax: _____

Bid Submittal:

IMPORTANT: Bids must be submitted in accordance with this section of this solicitation. The email address for submitting bids is **procurement.services@milwaukee.gov**. Bids submitted via email directly to the Purchasing Agent will be rejected. All bids must be received no later than the closing date and time listed on the first page. All bids received after the specified closing date and time will be rejected.

Failure to submit the bid in the manner described herein can result in bid rejection.

- A. Invitation: Sealed bids for furnishing supplies, equipment, work, material, labor, services, or material and labor combined as specified below must be received in the Department of Administration, Business Operations Division, Procurement Services Section, Room 601, City Hall, 200 East Wells Street, Milwaukee, WI 53202, no later than the closing date and time listed on the first page of this bid. All bids received after the specified closing date and time will be rejected.
- B. Form and Manner of Bid: The email address for submitting bids is procurement.services@milwaukee.gov. Bidders who choose to use e-mail to transmit bids do so at their own risk. The City cannot and does not guarantee that e-mailed bids are received. E-mailed bids must be received in their entirety before the bid closing time.

Electronic submissions must include a binding signature page that is complete and fully signed (electronic signatures are acceptable). If requested, an original signed copy of the electronically submitted bid must be received Procurement Services within four (4) business days. Failure to respond in four (4) business days may result in bid rejection.

Hard copies of bids must be sealed and addressed to the Business Operations Division, Procurement Services Section, Room 601, City Hall, 200 E. Wells Street, Milwaukee, WI 53202. Your bid envelope must be plainly marked with the following information:

- Bid Number
- Bid Closing Date
- Bid Closing Time
- Commodity/Service being bid

Any bid received in an envelope not properly and clearly marked as specified above may result in the bid being rejected.

Bidders wishing to hand deliver their bid may bring their bid response and have it date/time stamped in the following location:

Department of Administration
200 E. Wells Street, Room 606
Milwaukee, WI 53202

C. Plans and/or Specifications: As contained herein

D. Bid Deposit or Bid Bond Required: None

E. Performance Bond Required: None

Bid Addenda

Any changes made as a result of a written request will be issued via a bid addendum, and, if necessary, an extension will be made to the bid closing date. Any addenda will be posted to the City of Milwaukee Procurement Services website (www.city.milwaukee.gov > Directory > Procurement Services (Purchasing) > Contract Opportunities > Current Bid Opportunities). Bidders are responsible for checking this website for any future addenda, etc., prior to the bid closing date. All addenda must be signed and returned by the bid closing date and time. Bidders who do not return the addenda may have their bid rejected. Electronic signatures are acceptable. If you are unable to access the internet, contact Procurement Services at 414-286-3501 to obtain a hard copy.

Americans With Disabilities Act

Bidder agrees that they will comply with all applicable requirements of the Americans with Disability Act of 1990, 42 U.S.C. 12101, et seq.

Will you comply with these requirements?

☐ Yes ☐ No

Failure to comply with this requirement may result in bid rejection.

SBE Requirements

Has your business been certified as a Small Business Enterprise (SBE) by the City of Milwaukee's Office of Small Business Development?

☐ Yes ☐ No

This bid does not require a specific percent of mandatory Small Business Enterprise (SBE) participation. However, the City strongly encourages the use of certified City of Milwaukee SBE firms for any supplementary services attendant to the goods or services provided hereunder. Use of SBE firms whenever possible throughout the course of this engagement for such supplementary services is strongly encouraged by the City, but is not a requirement for submitting a bid, unless otherwise

specified. Information regarding the Office of Small Business Development (OSBD) program can be obtained from:

Office of Small Business Development
City of Milwaukee
200 E. Wells Street, Room 606
Milwaukee, WI 53202
414-286-5553

Was your business previously certified with the former City of Milwaukee Emerging Business Enterprise (EBE) program?

☐ Yes ☐ No

If you are interested in the certification process for your business, please contact the Office of Small Business Development (OSBD) for more information at 414-286-5553.

Local Business Enterprise Contracting Standards

Bids that are issued on or after August 10, 2009 include a Local Business Enterprise (LBE) bid incentive in accordance with Chapter 365 of the Milwaukee Code of Ordinances. Please note that the LBE criteria has been revised, effective December 18, 2009. Information regarding the LBE incentive and revised criteria can be found on the Procurement Services website at: <http://city.milwaukee.gov> > Directory > Procurement Services (Purchasing) > Programs > Local Business Enterprise (LBE) Program.

It is your responsibility as a bidder to familiarize yourself with this ordinance prior to submitting your bid.

Local business enterprise means a business which satisfies all of the following criteria:

- A. Owns or leases property within the geographical boundaries of the City of Milwaukee. Post office boxes shall not suffice to establish compliance as a local business enterprise. A residential address may suffice to establish compliance as a Local Business Enterprise, but only if the business does not own or lease other real property, either within or outside the geographical boundaries of the City of Milwaukee. Leased property shall not suffice to establish compliance as a Local Business Enterprise unless at least half of the acreage of all the real property owned or leased by the business is located within the geographical boundaries of the City of Milwaukee.
- B. Has owned or leased real property and has been doing business within the geographical boundaries of the City of Milwaukee for at least one year.
- C. Is not delinquent in the payment of any local taxes, charges or fees, or has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement.
- D. Will perform at least 10% of the monetary value of the work required under the contract.

The notarized Local Business Enterprise Program Affidavit of Compliance must be submitted with your bid to be considered for LBE status. Electronic signatures are acceptable. This affidavit can be found on the same page with the LBE Ordinance at the website referenced above.

Slavery Disclosure Affidavit

Effective May 31, 2014, the City of Milwaukee adopted Ordinance 310-14 relative to the disclosure of participation in or profits derived from slavery by contractors. All contractors whose company was established during the slavery era, and awarded a contract on behalf of the City of Milwaukee, whether or not subject to a competitive bid, shall complete an affidavit prior to entering into the contract verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any enslaved persons or slaveholders described in those records must be disclosed in the affidavit.

The City shall make the information contained in the affidavit available to the public. Any contract between the city and a contractor which fails to provide the requisite affidavit or which includes material false information on such affidavit shall be rendered null and void.

Form W-9

The City of Milwaukee uses the information from the contractor's Form W-9 for set-up and continued maintenance of tax information. The Form W-9 is a required form to ensure payment can be made and any appropriate reporting performed in the event of a bid award. Please provide a copy of your current W-9 with your bid submission.

Blank copies of the W-9 form are available from the Internal Revenue Service (<http://www.irs.gov>).

Terms and Conditions

By signing this bid, bidder hereby agrees to all the terms and conditions of the "Informal Bids Terms & Conditions" document dated 3/13/2013, which is hereby referenced and incorporated as part of the contract awarded from this bid.

This document can be found on the Procurement Services website at: <http://city.milwaukee.gov> > Directory > Procurement Services (Purchasing) > Policies & Procedures > Terms & Conditions, or you may obtain a copy by calling our office at (414) 286-3501.

Bidders are cautioned not to change any of the terms or conditions in the bid and/or specifications without the written approval of Procurement Services. Any unauthorized changes will constitute a counteroffer and will subject the bid to rejection.

Payment Terms

It is the City's policy to pay all invoices within 30 days. If the City does not make payment within 45 days after receipt of properly completed supporting payment and other required contract documentation, the city shall pay simple interest beginning with the 31st calendar day at the rate of one percent per month (unless the amount due is subject to a good-faith dispute and, before the 45th day of receipt, notice of the dispute is sent to the contractor by first-class mail, personally delivered, or sent in accordance with the notice provisions in the contract). If there are subcontractors, consistent with S.66.0135(3), Wis. Stats., the prime contractor must pay the subcontractors for satisfactory work within seven days of the contractor's receipt of payment from the City of Milwaukee, or seven (7) days from receipt of a properly submitted and approved invoice from the subcontractor,

whichever is later. If the contractor fails to make timely payment to a subcontractor, the contractor shall pay interest at the rate of 12 percent per year, compounded monthly, beginning with the 8th calendar day. Reference Common Council File No. 101137 adopted January 2011.

Please indicate if you would like to offer a payment discount to the City:

_____ % _____ days

The City will determine the low bidder by taking into consideration cash discounts offered by the bidders only if the payment terms are 30 days or more. However, if the low bidder who is awarded this contract has quoted a more favorable discount for earlier payment, and the City pays within that earlier timeframe, the bidder will be held to that quoted discount.

Payment Monitoring Requirements

All Contractors awarded a contract valued at \$25,000.00 or more are required to participate in training on the City of Milwaukee's contract compliance software. Contractors must complete the training no later than 30 days after the date of contract award. Throughout the contract term, Contractors are required to regularly provide timely payment information in the City's contract compliance software. Please contact the Office of Small Business Development (OSBD) at 414-286-5553 should you have any questions or concerns regarding the training process.

Price Escalations

This will be a three (3) year contract from date of award subject to annual review by the City within sixty (60) days of the anniversary date. The volume listed is an estimate and is no guarantee as to the amount that will be purchased during the term of the contract. Contract continuance is contingent upon the availability of funding for the materials or services to be provided during the three year term of the contract.

Prices quoted must be firm for one year after which an escalator may be invoked upon request and verification of a letter from the supplier and/or published price sheets. Such request must be made to the purchasing agent listed on the contract at least sixty (60) days in advance of the effective date of the increase. Price shall be based on product cost only and not to exceed 15% of the firm bid price during the contract period. The increase must be approved by Procurement Services prior to its effective date.

Likewise, any de-escalation in price shall be passed on to the City of Milwaukee. Vendors are obligated to treat price decreases as equally as price increases during the tenure of the contract.

Price escalation clauses are not applicable for "discount from list" contracts as the vendor's current list will already reflect market changes. Therefore, while the percent of discount offered by the vendor must remain firm for term of contract, the vendor must provide updated price lists to the City User Department(s) when updated.

Special Interests

Does any officer, employee, agent, member of a governing body, or public official of the City of Milwaukee who exercises any functions or responsibilities in connection with the reviewing, approving

or administering the carrying out of any services or requirements to which this bid pertains, have any personal interest, direct or indirect, in this bid and any contract that may result thereof?

☐ Yes ☐ No

Cooperative Purchasing

Would you be willing to extend the pricing from any contract that may result from this bid to other V.A.L.U.E. members of local government entities in the Southeastern Wisconsin area, including but not limited to, the Milwaukee Metropolitan Sewerage District (MMSD) and/or Milwaukee Public Schools (MPS)?

☐ Yes ☐ No

Please be advised that the award of this bid by the City of Milwaukee is not contingent upon your agreement to the above request. If, however, you agree to extend to any other agencies, each agency will be responsible for issuing and administering its own contract and resulting purchase order.

Tips for Bidders

Below is a list of common items that may result in the City of Milwaukee deeming your bid to be non-responsive / non-compliant:

- Not fully completing and/or signing the binding signature page
- Not providing the required addendums with your bid
- Not completing or submitting the required attachments (SBE requirements, Affidavits of Compliance, Living Wage Affidavit, etc.) and returning them with the bid
- Bid response not received prior to the bid closing date / time
- Not submitting a quote for all line items or an entire group in the bid. Read the award statement carefully.
- Taking exception to the bid requirements or specification(s) without approval from the Procurement Services Section.
- Not submitting the specification with your bid, when the City requires bidders to indicate whether they comply with specific items in the specification.
- Providing a price list that is different than the pricing information requested.
- Not providing a warranty statement when required, or providing one that conflicts with the City's specifications.
- Not providing descriptive literature when required.
- Submitting pricing information for a brand or part number different than requested when there is "no substitute" indicated.
- Not providing pricing in the correct units of measurement indicated on the bid.
- Not having a service facility within the physical distance indicated in the bid.

Binding Signatures for Informal Bid

This binding signature page must be completed in its entirety, and it must be fully signed, or your bid may be rejected.
 Electronic signatures are acceptable. Your signature will signify your agreement to all pricing, terms and conditions stated herein.
 Bidders are required to complete and return all bid pages with their bid submittal.

CONTRACTOR

Bidder's Firm:	
Address:	
City, State, Zip:	
Telephone:	
Fax:	
E-Mail:	
Federal ID #	
Signature:	
Printed Name:	
Title:	
Date:	

FOR OFFICIAL CITY USE ONLY

CITY OF MILWAUKEE, a municipal corporation	
By:	
	City of Milwaukee Purchasing Director
Date:	